

Donald E. J. Kilmer, Jr. [SBN: 179986]  
LAW OFFICES OF DONALD KILMER  
1645 Willow Street, Suite 150  
San Jose, California 95125  
Voice: (408) 264-8489  
Fax: (408) 264-8487  
E-Mail: Don@DKLawOffice.com

Jason A. Davis [SBN: 224250]  
Davis & Associates  
30021 Tomas Street, Suite 300  
Rancho Santa Margarita, CA 92688  
Voice: (949) 310-0817  
Fax: (949) 288-6894  
E-Mail: Jason@CalGunLawyers.com

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO VENUE

MARK AARON HAYNIE, BRENDAN  
JOHN RICHARDS, THE CALGUNS  
FOUNDATION, INC., and THE  
SECOND AMENDMENT  
FOUNDATION, INC.,

Plaintiffs,

vs.

KAMALA HARRIS, Attorney General  
of California, CALIFORNIA  
DEPARTMENT OF JUSTICE, CITY  
OF ROHNERT PARK, and OFFICER  
DEAN BECKER (RP134),

Defendants.

Case No.: 3:10-CV-01255 SI

**STIPULATION for DISMISSAL OF  
DEFENDANTS: CITY OF COTATI,  
OFFICER ANDREW LYSSAND and  
JOINT ADMINISTRATIVE MOTION  
and PROPOSED ORDER: CASE  
MANAGEMENTS**

Current CMC: Nov. 2, 2012

IT IS HEREBY STIPULATED by and between the parties hereto through  
their respective attorneys of record that the previously related and consolidated  
case of *Plog-Horowitz, et al., v. Harris, et al.*, Case No.: CV-12-0452 SI is dismissed  
**with prejudice** with the parties bearing their own attorney fees and costs.

Furthermore, it is hereby stipulated by and between the parties hereto that the plaintiffs shall file a Second Amended Consolidated Complaint reflecting this dismissal within 5 business days of this stipulation becoming an order of the Court.

Furthermore, based on this development, the pending Case Management Conference currently set for November 2, 2012 in Courtroom 10, 19<sup>th</sup> Floor of the U.S. District Court for the Northern District of California should be reset.

Furthermore, because the Defendants City of Rohnert Park and Officer Dean Becker are engaged in earnest settlement discussions with the plaintiffs, the time for All Defendants to file a responsive pleading to the Second Amended Consolidated Complaint shall be extended to 60 calendar days after that filing.

**SO STIPULATED.**

Date: October 24, 2012

Date: October 24, 2012

/s/  
\_\_\_\_\_  
Ross Moody,  
Counsel for Defendants  
Harris & California Dept. of Justice

/s/  
\_\_\_\_\_  
Donald Kilmer  
Counsel for Plaintiffs

Date: October 24, 2012

/s/  
\_\_\_\_\_  
Robert W. Henkels  
Counsel for Defendants  
City of Rohnert Park & Becker

**ATTESTATION FOR COMPLIANCE WITH GENERAL ORDER 45 AND  
LOCAL RULE VIII.B.**

I, Donald Kilmer, declare under penalty of perjury under the laws of California and the United States that I have in my possession e-mail correspondence from Ross Moody and Robert Henkels that the content of this document is acceptable to all persons required to sign the document. I declare that this document was signed in San Jose, CA on October 24, 2012.

/s/  
\_\_\_\_\_  
Donald Kilmer  
Attorney for Plaintiffs

**ORDER**

The Court accepts the parties' stipulations:

1. *Plog-Horowitz, et al., v. Harris, et al*, Case No.: CV-12-0452 SI is dismissed **with prejudice** with the parties bearing their own attorney fees and costs.
2. The plaintiffs shall file a Second Amended Consolidated Complaint reflecting this dismissal within 5 business days of this stipulation becoming an order of the Court.
3. The Case Management Conference currently set for November 2, 2012 is reset to: (Date) \_\_\_\_\_, at (Time): \_\_\_\_\_, in Courtroom 10, 19<sup>th</sup> Floor of the U.S. District Court for the Northern District of California – San Francisco. A Joint Case Management Conference Statement shall be filed seven (7) calendar days before the new date.

Date:

\_\_\_\_\_  
United States District Judge